# THE TERRITORIAL SLAVE POLICY; THE REPUBLICAN PARTY; WHAT THE NORTH HAS TO DO WITH SLAVERY.

## SPEECH

OF

# HON. THOMAS D. ELIOT, OF MASS.

Delivered in the House of Representatives, April 25, 1860.

The House being in the Committee of the Whole on the state of the Union—

Mr. ELIOT said:

I desire, Mr. Chairman, to address an argument to the Committee this morning on the slave territorial policy of the present Administration. I desire to speak upon that subject which, as has been truly said by several gentlemen, draws to itself all questions besides. And I wish to speak to that particular phase of the question, because it is one which must enter into the deliberations of the people, into the action of the freemen of this land, North and South, during the coming canvass for the Presidency. That territorial slave policy is at conflict with the theory of the Government and with the principles of the fathers; and it ignores and discards rights which have heretofore been recognised, conceded, and acted upon, during the entire history of our National Government, down to the Administration that preceded that of Mr. Buchanan. Out of that policy, and as one necessary result of it, the Republican party of this Union has sprung into existence.

To restrain slavery within its present limits; to keep it within the States whose laws recognise it; to prevent its expansion; to exclude it from the Territories; to keep it from being a blight upon the free lands of the United States, is the confessed duty of that party. And there are convincing reasons, social, moral, and political, why that duty should be performed. It was said here the other day, by the gentleman from Georgia, [Mr. LOVE,] that so far as that question was to be considered in its political and in its moral aspects, it was fairly a subject for discussion upon the floor of Congress. But in the course of his argument, certain facts were stated, and certain statistics given, to which I desire, in the course of my remarks, to call the attention of the Committee.

Mr. LOVE. I understand the gentleman to say that I admitted that that question was properly discussable in this House, in its moral and its social relations.

Mr. ELIOT. Moral and political.

Mr. LOVE. I wish to correct the gentleman in that respect. I did say then, and I do say now, that it is proper and legitimate to discuss that question politically here or elsewhere.

Mr. ELIOT. I said nothing about its social aspects. I do not propose to discuss them. I am willing, however, to discuss the question upon either ground—social, moral, or political.

Mr. Chairman, this question now before the American people, demanding adjustment, is one of protection. If Mr. Jefferson could be heard now in these Halls, his own words would echo back to him, and he would declare it to be one of protection to that life and liberty and pursuit of happiness with which he boldly taught that all men were endowed, as with inalienable rights.

Whatever public interest calls for consideration, whether it be one of revenue or of education, of our relations with foreign nations, of commerce between the States, of internal improvements, of national justice, of domestic tranquillity, for common defence, or the promotion of our general welfare, the same great question faces us as we legislate, demanding discussion and adjustment, as the condition of legislative action. From time to time, that question has presented itself to the statesmen of this land, in different forms, according to the exigencies, real or supposed, of Southern interests; for it is a political truth that our history demonstrates, that when one position or principle or policy has been advocated and sustained and secured by the political advocates of human slavery, a step in advance has been forthwith taken, and, as soon as taken, defended and insisted on, as though the last doctrine advanced were the veritable principle and policy of the fathers. Such has been the Russian career of the slave power—autocratic always—yielding nothing unless, by seeming concession, a substantial vantage ground for future attack was thereby secured.

It is now but about twenty years since first, in Congress, an intimation was made, by legislative resolution, that the slaveholder, under the protection of the Constitution, might carry his human chattels into the Territories of the Union, in defiance of the action of Congress.

On the 19th of February, 1847, Mr. Calhoun offered in the Senate four resolutions, and they are now the basis and the substance of the Democratic creed.

The first three of those resolutions are as follows:

"*Resolved*, That the Territories of the United States belong to the several States comprising this Union, and are held by them as their joint and common property.

"*Resolved*, That Congress, as the joint agent and representative of the States of the Union, has no right to make any law, or do any act whatever, that shall directly, or by its effects, make any discrimination between the States of this Union, by which any of them shall be deprived of its

full and equal right in any Territory of the United States, acquired or to be acquired.

"*Resolved*, That the enactment of any law which should directly, or by its effects, deprive the citizens of any of the States of this Union from emigrating with their property into any of the Territories of the United States, will make such discrimination, and would therefore be a violation of the Constitution, and the rights of the States from which such citizens emigrated, and in derogation of that perfect equality which belongs to them as members of this Union, and would tend directly to subvert the Union itself."

Mr. Benton, upon the spot, condemned these resolutions as a "string of abstractions;" and during the conversation that ensued between him and Mr. Calhoun, he said that Mr. Calhoun must have known, from his whole course in public life, that he never would "leave public business to take up firebrands to set the world on fire."

To-day, standing upon that bold and unheard-of doctrine; standing upon it as upon the broad foundation of our liberties which the fathers laid; sustained by a false and partisan and lawless declaration of certain men clothed with the ermine of our highest judicial tribunal, the President of the United States declares to us, in his message to the present Congress, that

"The right has been established of every citizen to take his property of any kind, including slaves, into the common Territories, belonging equally to all the States of the Confederacy, and to have it protected there under the Federal Constitution. Neither Congress, nor a Territorial Legislature, nor any human power, has any authority to annul or to impair this vested right."

And that is the political phase now assumed by that question which demands adjustment by the freemen of this Union.

If now we go back for a few years, it is easy to see how the Southern Democratic party, sustained by Northern friends under the lead of a Northern President, and the false and treacherous counsellings of a Northern Senator, have forced into life, and combined into a solid and overpowering organization, the Republican party of the Union. Sir, during all the weary weeks that preceded the organization of this House, while the confusion of tongues prevailed, and our tortured language was made the unnatural vehicle of anathema and abuse against men who were representing upon this floor the "sentiment" for which the fathers contended—during all those weeks, when the red hand of the South seemed to be raised in menace against us, and the voice of disunion, unchecked and applauded even, echoed madly in these Halls, one great fact was always recognised, the fact of this national power which was tauntingly, but harmlessly, styled the "Black" Republican party. If any man can patiently work his way through those harangues "to the country"—where the main and controlling end and aim appeared to be, not to convince, but to inflame; not to persuade, but to enrage constituencies already too much and too wildly excited—he will be struck, as I was, who heard them, with the manifest sense of national greatness with which that Republican party had impressed the Democracy of the South. It was the premonition of coming defeat, and not the "Helper book," which lashed into fury the champions of Southern slavery; and yet, if a constitutional majority, in a constitutional manner and form, shall enable that political party to inaugurate in these modern times an Administration that shall claim to represent the policy of Washington, and to carry out into effective reality some of the ardent yearnings of the heart of Jefferson, I apprehend that no man will rise on this floor and say to us that a way will not be found to meet the crisis according to the law in such case provided.

Mr. Chairman, when the theory of Mr. Calhoun was becoming crystallized into a political creed, the possibility of a Republican party became a necessity. At that time, two great parties—the Whig and the Democratic organizations—contended for political power; and these resolutions of Mr. Calhoun contributed greatly to disquiet the public mind of the whole North. The "firebrand" took effect. The millions of men in the non-slaveholding States were confounded at the bold advance of the slave power. Distinguished Democratic politicians perceived at once that such new aggressions of the South would make them all slaves, by a logical necessity, if such doctrines were admitted as Democratic, and the party which announced them should have power to vitalize them by legislative laws. In many of the Northern States, in caucus and in Convention, resolutions were adopted by both political parties, to the end that the men enrolled under their banners who loved freedom, and believed in its nationality; who dreaded the slave law and the slave trade, and the institution they fostered; and who believed as Washington and his co-patriots, in the Senate and in the field, at the South and at the North, believed, that it must be restricted, and that it ought to be abolished—to the end that such men should be retained within their ranks, resolutions were adopted declaring in advance the substantial doctrines of our Republican party as their true and accepted faith. For, Mr. Chairman, it was beginning to be felt that sober and thinking men, who had not been politicians, were getting to be alarmed. Third parties were becoming strong; and both the Whig party and the Democratic party found it to be expedient, for their own preservation, and to conciliate the growing discontent among themselves, to put upon the record their opinions upon subjects that were assuming such alarming significance in the popular mind.

Sir, if the newspapers of that period should be consulted, it would be found that the Northern Democrat of the straitest sect—brought up at the feet of Gamaliel himself—in State Convention, would rival the Whig of most anti-slavery proclivities in the art of framing resolutions in defence of freedom. I do not stop to prove by historic reference—it could not be done in the hour you assign me—the truth of what I say. But there are men now on this floor, Republican Representatives, then belonging to both parties, who can attest its truth. We were actors and observers, and I am speaking of what I know. Then came the session of the compromises. Mr. Calhoun had, three years before, denounced all compromises. He did not believe in them, when principles were involved. It would have been better for all of us, perhaps, on both sides of the House, if some of those measures, which together were styled the compromises, had never become laws. But it did at one time seem that the "conflict," so far as it depended upon the action of the two controlling parties in the country, was to be repressed.

I do not mean to say, nor to permit it for a moment to be supposed, that I approved of the whole legislation of 1850, or of the subsequent political action of either of those parties respecting it. I speak now as an individual, and not for any party. There are different opinions and various judgments here upon this side of the House regarding it. The honorable gentleman from Ohio [Mr. CORWIN] has taken occasion to restate his approval of one of those measures, known as the fugitive slave act, which were placed as laws upon the statute books of Congress while he was a distinguished member of Mr. Fillmore's Cabinet. Other gentlemen have stated, in more or less general phrase, their willingness to submit to what was done. I cannot, as a legislator, assent to their opinions. Whatever we may do, or whatever we may feel bound not to do, as citizens, we stand here in Congress clothed with higher power, and burdened with different duties. I prefer the doctrine of Mr. Buchanan, not the President, but the Senator. I appeal from Mr. Buchanan in the White House to Mr. Buchanan in the Senate. Hear what he said, speaking upon the bank question, in the Senate, in July, 1841:

"Now, if it were not unparliamentary language, and if I did not desire to treat all my friends on this [Whig] side of the House with the respect which I feel for them, I would say that the idea of the question having been settled *so as to bind the consciences* of members of Congress, when voting on the present bill, is *ridiculous and absurd. If all the judges and all the lawyers in Christendom* had decided in the affirmative, when the question is thus brought home to one as a legislator, bound to vote for or against a new charter, upon oath to support the Constitution, *I must exercise my own judgment.* I would treat with profound respect the arguments and opinions of judges and constitutional lawyers; but if, after all, they fail to convince me that the law was constitutional, *I should be guilty of perjury before high Heaven* if I voted in its favor.

"But even if the Judiciary *had* settled the question, I should never hold myself bound by their decision while acting in a legislative character. Unlike the Senator from Massachusetts, [Mr. Bates,] *I shall never consent to place the liberties of the people in the hands of any judicial tribunal.*

"No man holds in higher esteem than I do the memory of Chief Justice Marshall; but *I should never have consented to make even him the final arbiter between the Government and the people of this country on questions of constitutional liberty.*"

My own examination of the constitutional power of Congress to pass the act of 1850 has induced a conviction that I am unable to surrender; and independent of the peculiar provisions of that act, which seemed to me at the time of its enactment to characterize it as a law unfit for the approval of civilized and Christian lawgivers, it has seemed clear to me, that when the several States adopted, as a bond of common union, the provisions of our Federal Constitution, it was not within their intent to confer upon Congress the power which such legislation involves.

But I go further back than the gentleman from Ohio [Mr. SHERMAN] did yesterday, and would be willing, altogether, to meet the gentleman from Virginia, who discussed one portion of the act of 1850, and discuss the question with him. If the question were a new and open one now; if the right under the Constitution to pass any law, either that of 1793 or that of 1850, could be argued in the Congress of the United States, I think that all constitutional lawyers must come together upon that proposition. All that can be said now is, that an early Congress, after the adoption of the Constitution, passed an act; that the Supreme Court have decided upon its constitutionality; that the courts of the various States have sustained it; that the legislation of 1850 is claimed to be in pursuance of it; and because of the action of Congress and of the Judiciary, that the question ought to be deemed and taken to be settled.

That doctrine was not the doctrine which commended itself to Mr. Buchanan, for he said, and said well, that he was unwilling that the liberties of the people should rest in the judicial tribunals of the country. But when, in the course of time, the judicial tribunals came to say that the negro has no rights the white man is bound to respect; when, going out of their proper sphere, outside of the case before them, they sought to pass upon a question of constitutional law, then the President, forgetful of the past, and of his early love and reverence for the liberties of the people, is willing to endorse the doctrine of the Supreme Court, and to declare to us that the question is settled, and that now no power upon earth, Congressional, territorial, or judicial, can affect the right of the slaveholder to carry his slave within the Territories of the Union.

Sir, I do not care to stop now to discuss the question of the constitutionality of that law. I should not have felt myself called upon to refer to it at all, except for the fact that several gentlemen upon this side of the House have thought it proper for them to say that, in their judgment, the law was constitutional. The Republican party, it is true, has nothing, as a party, to do with it; but I felt unwilling to let this occasion pass, and have it for a moment supposed that I concurred in the opinion to which I have alluded. Nor do I feel at all willing to rest under the suggestions which have been made the other day, in regard to the question of slavery in the District of Columbia. I speak as a man, as an individual, as the representative of no party; but I love this District with the affection of a child. During my early years here, I learned my lesson from books; during my boyhood here, I listened to the eloquence of men from the North and South; and I tell you it would be a proud and happy day to me, could I aid the men of this District to strike off the shackles from the slaves. It would be a glad day to me, could I aid them under the law, and under the Constitution that covers us all, in that most happy work.

No, sir, I could not agree that I would not vote for the abolition of slavery in this District. We shall see that time, my friends. Ought we not to do so, when the laws are brought to bear here to suppress free speech? Were I to say outside what I am saying here, I ask what security I have that I should not be put under bonds to keep the peace? I might be put under bonds, were I to say in this capital of the nation that I should not be afraid to defend John Brown. I tell gentlemen such things cannot happen without attracting the attention of the whole land.

But, Mr. Chairman, I am admonished that my time is passing. These compromise measures were incorporated among our laws. How long the apparent peace would have been real, no one can determine. But we all know how the war began again, and from what quarter the declaration of hostilities was made. It was reserved for the Senator from Illinois to marshal and to

conduct the army of the South to what seemed a victory, but will prove a sacrifice of the party which followed him so valiantly and fought so well. It is only a question of time. But that violation of honor and of compact, consummated by the passage of the Kansas-Nebraska bill, followed quickly, as it has been, by territorial outrages and by judicial or extra-judicial action, as surely indicates that the party must die, as the axe at the root of the settler's tree foretells its fall. At once, the anti-slavery sentiment of the whole nation was aroused. It was felt and proclaimed here in Congress, that no compromises could be relied on. Those who had sustained the action of 1850 declared themselves fully exonerated from that day, and political aspirants for the power which the people hold in their own gift, as well as the thinking and reflecting men all over the land who sought no political advancement, united in condemning the Democratic rescission of the line of freedom as a wanton and gratuitous aggression of the Southern interest, in defiance of a compact whose consideration had been fully enjoyed.

From that moment, the Republican party came into conscious life. The people demanded it. And the people intend that the party shall do its proper work. It is not a work of aggression, but of defence. But no threat can intimidate, and no denunciation can repress it. The simple truth is, that the people of the United States demand that the theory of this Government shall be carried into practice. The theory of the Government is anti-slavery. The Government is pro-slavery. The free people of the United States demand that the rights of the slaveholder shall be recognised only where the State laws recognise them. The Government has declared that those rights exist, without law; that wherever the master leads his slave upon the lands of the United States, and within the Territories of the Union, there the rights of the master must be protected under the Constitution. And, what is still more bold and daring, the Southern Democratic statesman avows, and the Northern President declares, that no power upon the earth—not the people within the Territory, nor the Congress of the United States, nor any other tribunal, legislative or judicial—can do an act, or say an effective word, to interfere with or diminish the vested rights of the sovereigns of the land to carry their vassal slaves where they will, within the public lands or the organized Territories of the Union. Nor is this the whole that must be said now to the slave power of the Government and its supporters.

The Southern party, sectional always, is not content with argument. The Representatives upon this floor have not stopped upon logic, or rested upon the reason of their faith. Their modest proposition is: "We are right, and you are wrong. You must disband, no matter whether you represent a majority or a minority of the people of the United States; but if you do not disband, and let us keep the Government and its patronage and power, we will shatter the Union, and destroy, if we cannot govern, the United States. The election of a Republican President is of itself an act of such aggression upon our vested rights that we will not submit to the deep disgrace involved in its consummation."

Gentlemen, that remains to be proved. But surely it is time to discontinue these threats of disunion. I wonder if gentlemen remember when these threats began. There is nothing in them new or original. I will give you one of early date. The following notice was published in a Virginia paper, under date of July 31, 1795:

"Notice is hereby given, that in case the treaty entered into by that damned arch traitor, John Jay, with the British tyrant, should be ratified, a petition will be presented to the next General Assembly of Virginia, at their next session, praying that the said State may recede from the Union, and be under the government of one hundred thousand free and independent Virginians.

"P. S. As it is the wish of the people of the said State to enter into a treaty of amity, commerce, and navigation, with any State or States of the present Union, who are averse to returning again under the galling yoke of Great Britain, the printers of the (at present) United States are requested to publish the above notification.

"*Richmond, July* 31, 1795."

Mr. Chairman, the President of the United States was at that time a Virginian. He knew that words were sometimes things. He knew that certain words a brother Virginian had recently uttered, declaring certain inalienable rights which man had received from God, were words which were full of life, and could impart life. But he was a man not of action only, but of intuition; and he knew that words were sometimes *vox et preterea nihil*, and the treaty was ratified which John Adams and Benjamin Franklin and John Jay had made. And the Union did not slide; and the one hundred thousand free and independent Virginians remained within the Union, free and independent still.

Mr. Chairman, we all know something of the history of John Jay, that arch traitor! He was a Black Republican; that is what John Jay was. But Washington rather liked him; for he was a good deal of a Black Republican also! Washington offered him any office that he desired. And it will not be forgotten that he was the *first* man who filled the office of Chief Justice of the Supreme Court of the United States. There have been few men in that chair since his appointment who have been his equals. Indeed, the history of that court will show that, with the exception of a very few years, that office has been filled by three men—Jay, Marshall, and Taney. Do you think that Jay would have endorsed the message of the President to us? No, sir; he was too arch a traitor, I fear. Hear him:

"Little can be added to what has been said and written on the subject of slavery. I concur in the opinion that it ought not to be introduced nor permitted in any of the new States, and that it ought to be gradually diminished and finally abolished in all of them. To me, the constitutional authority of Congress to prohibit the migration and importation of slaves into any of the States does not appear questionable. The first article of the Constitution specifies the legislative powers committed to the Congress. The ninth section of that article has these words: 'The migration or importation of such persons as any of the now existing States shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808. But a tax or duty may be imposed on such importations, not exceeding ten dollars for each person.'

"I understand the sense and meaning of this clause to be, that the power of the Congress, although competent to prohibit the migration and importation, was not to be exercised with respect to the then existing States (and those only) until the year 1808; but that the Congress were at liberty to make such prohibition as to any new State which might, in the mean time, be established; and further, that from and after that period, they were authorized to make such prohibition as to all the States, whether new or old. It will, I presume, be admitted that slaves were the *persons* intended. The word *slaves* was avoided probably on account

of the existing toleration of slavery, and of discordancy with the principles of the Revolution, and from the consciousness of its being repugnant to the following positions in the Declaration of Independence: 'We hold these truths to be self-evident—that *all* men are created equal; that they are endowed by their Creator with certain inalienable rights; that among them are life, liberty, and the pursuit of happiness."

Sir, these doctrines of John Jay, as they preceded, so they will outlive, the modern doctrines recently declared by the successors of John Jay, from the same chair.

Mr. MAYNARD. Will the gentleman tell us from what authority he is reading?

Mr. ELIOT. I am reading from what I believe to be an extract from Mr. Jay's writings.

Mr. MAYNARD. But which of Jay's writings is the extract taken from?

Mr. ELIOT. If the gentleman will call upon me by-and-by, I will go into the library with him, and endeavor to satisfy him.

Mr. MAYNARD. I was asking not for my own individual benefit, but for the benefit of the country, which listens with pleasure to our speeches.

Mr. ELIOT. The gentleman says he does not ask for his own benefit, but for the benefit of others who are ignorant. Now, if the gentleman knows where to find it, I will not stop at this time to instruct these ignorant people while my friend is himself quite familiar with the fact.

Mr. Chairman, at this time, when the freemen in all the States of this Confederacy are preparing to inaugurate a new Administration, it is of some importance to determine by the record who the men are that mean to enforce the principles of the fathers, and who they are that disregard and nullify them.

The Democatic party proposes to elect a President upon a Southern platform. The Republican party proposes to elect a President upon a platform that was consecrated by the founders of the Government, and upon principles that have been always recognised until desperate counsels compelled revolutionary action, and political heresies have come to be regarded as the truth of history. There is not one doctrine of the Republican party that does not find its origin in the confessed and recorded judgment of the wise statesmen who decreed that it had been "the pride and boast of America, that the rights for which she contended were the rights of human nature."

There is not one doctrine of the Southern party which we deny, so far as it concerns the vital question of human freedom, that does not conflict with the declared faith of the very men who are vouched as their ancient teachers and guides.

Let us see how true these propositions are. It is wholly in vain for politicians from the North or the South to discharge their anathemas against the historic scripture which has come down to us from the prophets of the past.

Our earliest legislative anti-slavery society was our first Continental Congress. On the 5th of September, 1774, they sought to prohibit the import and purchase of slaves after the first day of December, 1774, and to decree, by an article of their association, that they would discontinue the slave trade, and neither be concerned in it themselves, nor hire vessels nor sell commodities to such as were concerned in it. On the 19th of April, 1784, the first Territorial report was made. Mr. Jefferson, of Virginia, and Mr. Chase, of Maryland, were two of the three members of the committee who made the report. By the terms of that report, it was provided that, after 1800,

"No slavery nor involuntary servitude should exist in any of the said States, otherwise than in the punishment of crimes, whereof the party shall have been convicted to be personally guilty."

This report covered all cessions made and anticipated, and called for a division of the whole land into seventeen States, of which eight were to be below the falls of the Ohio, and nine above them. The report referred to them as "States," although then existing as Territories. Six States and sixteen members voted for this report, and three States and seven members voted against it. The Articles of Confederation required nine States to vote affirmatively, and therefore the proposition did not succeed. Mr. Jefferson, of Virginia, and Mr. Spaight, of North Carolina, voted in the affirmative. Three years after this, the ordinance of Nathan Dane was passed, for the government of the Northwestern Territories, embodying the anti-slavery clause in the language of Mr. Jefferson. It will be remembered that, at this time, North and South Carolina and Georgia had not ceded the territories within their boundaries to the United States.

During this same year, 1787, the Constitution of the United States was adopted, and by the several States it was afterwards ratified. No argument is required to prove that the statesmen who assumed to control the question of slavery in the Territories at that day were not the advocates of the principles of the Cincinnati platform, and could not have assented to the proposed doctrines of 1860.

By the terms of the cessions made by Georgia and North and South Carolina, the Territories ceded were to remain slave Territories; and therefore, Tennessee, Mississippi, and Alabama, became slave States. But no statesman of that day contended that Congress had not the power to protect the magnificent wilderness of the Northwest from the baleful effects of domestic slavery. That is the doctrine of Mr. Calhoun, and of more recents converts to principles which Mr. Benton prophetically called "firebrands." It is one of the purposes of the Republican party to extinguish those firebrands forever.

Mr. Chairman, the territorial policy initiated before the adoption of the Constitution in 1784, and recognised by the action of 1787, was maintained unswervingly and unquestioned until about the period of Mr. Calhoun's resolutions, in 1847. That policy has been confirmed by sixty-three years of substantial national legislation, initiated by the South, approved, maintained, and enforced, by the South. But, in these latter days, we of the Republican party are notified that if we do not repudiate and abandon that doctrine which lies at the foundation of our political organization, and especially if we shall make the doctrine incarnate in a Republican President, we must carry on the Government, if we can, without the countenance of Southern men.

Now, sir, it is a fact that, by nearly all the leading statesmen, and by every political Administration, without a single exception, down to that which preceded the Administration of Mr. Bu-

chanan, the policy of intervention for freedom was enforced. No man can disprove that proposition. The written history of the Government declares its truth. In some form or other, the right of Congress to act in the Territories towards the restriction of human slavery will be found to have been asserted. Before 1820, this policy had been settled, and the constitutional power upon which it rested had been repeatedly recognised. And in that year, the compromise which the South advocated, and which the North resisted at first, and then yielded to, was effected, under which Missouri became a State.

In 1798, the importation of slaves from abroad into the Southern Territories was forbidden.

In 1803, the Territory of Indiana was forbidden to hold slaves.

In 1804, restrictive legislation was applied to the Territory now included in the State of Louisiana.

I do not propose to defend the principle upon which the Missouri line was established in 1820. It was one of the compromises which the North made for the sake of peace, but out of which no permanent peace has come.

Gentlemen upon the other side of the House have declaimed, with earnestness, and with appearance of sincerity, against what they call the aggressions of the North; but they fail to show upon what historic ground these charges rest. From the beginning, the men of the North and of the great West, which New England blood and Northern institutions have so largely contributed to form, have been opposed to the extension of human slavery. Within their States they have protected their own citizens, especially since the act of 1850 made legislation necessary, by such laws as they judged sufficient for the purpose. Whether at any time any provision of any law infringed in any respect upon the Federal Constitution, or the laws fairly passed by Congress, by virtue of powers conferred upon it, has always and everywhere among us been held a fit subject for judicial decision. Upon a proper case, legitimately brought before our courts, there never, within my knowledge, has been hesitation on the part of Northern judges to meet and to decide upon the binding force of any statute whose constitutional foundation had been called in question. The liberty laws of Massachusetts, and of other New England States, have been invoked in the discussions we have listened to, and their provisions made the subject of fierce and angry comment.

Mr. Chairman, this is not the tribunal before which I choose to maintain the right of Massachusetts to enact any laws that are found upon her records. That Commonwealth is not to be brought to the bar of Congress to answer for her legislation. But what I mean to say is this—and because it is an answer to the charge of aggression, I find it within the line of my argument to say it—that the example was set by Southern States of passing State laws to protect Southern institutions and Southern citizens. They have no right to criticise, in that respect, the action of the North. But, sir, when the courts of the South are open, as those of the North always are, to the freest inquiry and the fullest latitude of examination; when the rights of free discussion and of free speech are acknowledged, not by word of mouth, but in deed and truth, it will be time enough for us to compare and to contrast with them our several laws. But whether a particular State law is wisely or unwisely enacted, at the South or at the North, there is no logic nor common sense in saying that thereby the institutions of other States are attacked. The legislation of each State is for the citizens of that State, and those who bring themselves within its jurisdiction.

But it is said that men in the free States read and write, and discuss questions of human freedom, and hold public meetings, and pass resolutions; and that the free press spreads before the world the arguments advanced to prove that men of whatsoever color are to be regarded as men, and not as the beasts that perish. So they do. So they always have. So they always will.

The right of free discussion is claimed in every State within our Confederacy. The exercise of that right must, perhaps of necessity, be affected, qualified, controlled, in a degree, by the character of the social or domestic institutions within the State. If a Southern Legislature judge it to be unsafe, conducive to insurrectionary violence, to permit me to declare publicly within that State the opinions which I hold upon the subject of slavery, and shall pass a law prohibiting such discussion within that State, I have no right to violate that law. It is plain enough that free speech is, to that extent, controlled. If a Northern Legislature, for reasons of State policy or necessity, should prohibit the dissemination of doctrines subversive of the laws of God, to that extent the right of free speech would also be controlled. But if, in a Northern State, a man should disobey, claiming that the law itself was in violation of his constitutional rights, he would act at his peril, but it would be a peril *under the law*. He might discuss its constitutionality with perfect safety. If the law were sustained, punishment would follow his offence. That he would expect. If not sustained, his right of free speech would be vindicated. No gentleman will say, I think, that a like security would be afforded in a Southern State. Well, sir, let it be so. Forbid discussion by law, if it be thought best; punish discussion by summary administration of Lynch law, if you will; deny, if you choose, all appeals by which the constitutionality of prohibitory laws may be tested. But that must exhaust your power, and more than exhaust the rightful exercise of any power under the law. But you cannot be permitted to control free discussion within the limits of a free State, nor have you any right to hold that discussion aggressive.

Why, sir, the institutions of freedom are not discussed more fearlessly and boldly and uncompromisingly at the North, than the practices of slavery are at the South. I have a letter before me, published by Colonel Jacobs in a Maryland paper, to which I intended to make reference. He discusses what he calls the "white slavery" of the free States. No one objects to it. Let the "holy institution," the "ordinance of God," be discussed. Let the curse of labor—of free white labor—be exposed. But while the Southern slaveholder talks, the Northern freeman will not remain dumb.

Sir, the Missouri compromise was the result of a political contest, in which the South gained a victory—as she always has—by the faithless action of Northern men. But when Missouri had been gained, and Arkansas was secured, and all the benefits derived to the South which that line had promised, nothing was left to freedom but the unsettled regions of Nebraska and Kansas. The wicked attempt to take from the free laborer the right to live upon that soil, and to work for himself and for his children without the contact and the taint of slave labor at his side, was an aggression upon the North, and upon the free institutions of the land, which stands out in unapproachable meanness upon the annals of our Congressional history. No wonder that, from the political turmoil of that legislation, the Republican party sprang into existence. One leading idea compelled its formation. Such has been the case at all times. Parties cannot be forced into life. They grow themselves out of events, and because the people call for them.

So it has been with every party formed since the foundation of our Government. The Federalist, the Democratic, the National Republican, the Whig, the Free Democratic, the Anti-Masonic, the American, and now the Republican, have rested mainly, each in turn, upon one distinctive principle. When a party has gained power, and has the responsibility of conducting the Government, it must adopt a certain course of policy. The platform of the Republican party is simple, comprehensive, and national. It proposes to restrict slavery, and to administer the Government upon principles *nationalized* by its ablest statesmen. Democratic success is slavery extension. The Kansas bill of Judge Douglas, and the Dred Scott decision of Judge Taney, cover the ground. We have been asked, why should we restrict slavery? The answer has been given over and over again, because it is wrong in itself, because it is the source of wrong in others, because it is a blight upon the land which tolerates it, because it justly brings our nation into reproach, because it is against the spirit of our Constitution and the policy of its framers. You say, restrain slavery within its present limits, and it must die. Very well; let it die. Why should we contribute of our substance to preserve its life? But you say, further, with singular inconsistency, let us alone. What has the North to do with slavery? Why do you discuss it in pulpit and in pew and in parlor, in Senate and in street? If it is a curse, it afflicts us, and not you.

Stop there. If you are content to let slavery remain where it now is, the terrible irony of the question might go without

rebuke. But you are not. You press it upon us. Senator Douglas opens the Territory; Judge Taney carries in the slave; President Buchanan forbids us to say he must come out. And yet, you demand to know what the North has to do with slavery. This Territorial policy of the new Democracy opens to the North the whole question of slavery. We must discuss it. You demand to know what the North has to do with slavery.

In the time remaining to me, my answer must be concise and brief. I had hoped to discuss this subject more at length. Sir, slavery extension will give undue and oppressive political power to the new States, to be exerted against the interest of every free State. Why should the non-slaveholding States consent that new States should be made from free territory, where five slaves shall represent three free men in political power? The inequality of representation is now great enough. We are now the official associates of twenty gentlemen, and more than that, whose chairs would be vacant here if it were not for the slaves of the South! The honorable gentleman from New York [Mr. CLARK] referred, some time ago, to the fact that he represented on this floor the most wealthy constituency in the country. His constituents own ships and houses, stocks, manufacturing establishments, mines, and banks. But they own no negroes, and therefore their property cannot give to them political power. With $1,000,000 in property, not one vote the more is created! The humblest and poorest freeman wields as great political power at the North as the man who counts by millions his vast possessions. One slaveholder, with $1,000,000 invested in slave property—valuing the human chattels at $1,000 each—will represent the political power of six hundred men besides himself! That is to say, politically, this slaveholding millionaire represents quite a village of free white men "rolled into one."

Now, sir, we of the North can see no reason why this unjust inequality should be increased by the creation from free territory of slave States. When the subject of "equalization of representation" was first considered in the Constitutional Convention, Mr Martin, of Maryland, in discussing this three-fifths question, said:

"As five slaves, in the apportionment of Representatives, 'were reckoned as equal to three freemen, such a permis-'sion amounted to an encouragement of the slave trade. 'Slaves weakened the Union, which the other parts were 'bound to protect; the privilege of importing them was, 'therefore, unreasonable. Such a feature in the Constitution 'was inconsistent with the principles of the Revolution, and 'dishonorable to the American character."

Mr. Mason, during the same discussion, remarked that—

"Slavery discourages arts and manufactures. The poor 'despise labor when performed by slaves. They prevent 'the immigration of whites, who really enrich and strengthen 'a country. They produce a pernicious effect on manners. 'Every master of slaves is born a petty tyrant. They bring 'the judgment of Heaven on a country."

Upon what fair ground are Northern men invoked to withhold discussion? How can it be argued that the North has nothing to do with slavery, when the Democracy of the South would carry slavery into all the Territories, to be at some future day organized into slave States, with the political power now guarantied to them?

Mr. Chairman, the extension of slavery into the Territories will drive out from them free labor. But free labor comes mainly from the free States. Their men and women desire no contact with the slave, or with the labor of the slave. To dishonor labor is to degrade them. This thing must not be done; and it cannot be done, unless faithless counsels and timid men shall make another compromise, and secure for the interests of freedom another defeat.

Sir, the free States own the land within the Territories, in common with the South. But if free labor is driven out, the value of their lands is greatly reduced; the standard of education falls; the material interests of the people decline, and their moral condition is lowered.

The honorable gentleman from Georgia [Mr. LOVE] said, the other day, as I find his argument reported:

"But I propose to test this moral question by another 'rule. I hold it to be true that the best rule by which to 'judge of the moral condition of any people, is the facilities 'which that people have for religious instruction. Now, sir, 'I suppose that the correctness of this rule will not be dis-'puted, for it is the rule upon which is founded every effort 'to evangelize the world."

Well, sir, let us apply that rule for a single moment. I wish that I had time to do so thoroughly. In one small county in Massachusetts—Hampshire county—where the total population, as given by Mr. De Bow, was, in 1850, less than thirty-six thousand, white and colored, it appears, from a report recently published by the American Board of Commissioners of the Foreign Mission Society, that the contributions to the American Board from that one county, during the past year, were $6,219.40.

During the same time, from fourteen slave States, including the District of Columbia, the contributions to the same Board are stated to be $8,121.63; that is to say, the single county contributed to that cause within $1,903 as much as all those States! Facilities for instruction are best determined by results produced.

In a volume which I find in our Congressional library, purporting to be written by the Rev. Mr. Tower, the author inserts an extract from a report drawn up by a Southern ecclesiastical body. Here is that testimony:

"The influence of the negroes upon the moral and religious 'interests of the whites is destructive in the extreme. We 'cannot go into special detail. It is unnecessary. We make 'our appeal to universal experience. We are chained to a 'putrid carcass! It sickens and destroys us. We have a 'millstone hanging about the neck of our society, to sink us 'deep in the sea of vice. Our children are corrupting from 'their infancy, nor can we prevent it. Many an anxious 'parent, like the missionaries in foreign lands, wishes his 'children could be brought beyond the reach of the corrupt-'ing influence of the *depraved heathen*. Nor is this influence 'confined to mere childhood. If that were all, it would be 'tremendous. But it follows into youth, into manhood, 'and into old age. And when we come directly into contact 'with their depravity in the management of them, then 'come temptations, and provocations, and trials, that un-'searchable grace only can enable us to endure. In all our 'intercourse with them, we are undergoing a process of in-'tellectual and moral deterioration; and it requires almost 'superhuman efforts to maintain a high standing, either for 'intelligence or piety."

I offer now, as bearing upon the moral and political aspect of this question of slavery extension, the following statistical proofs. But first, let me refer to the language used by the gentleman from Georgia, [Mr. LOVE:]

"As to the other point, whether slavery is a political evil, 'I hold it to be legitimately discussable. Not that Congress 'has any power over it, but because, as yet, we are citizens 'of a common country, and should consult together in a 'proper temper and spirit, as to what is best for us as a na-'tion. If, upon a full investigation of the facts, we of the South 'should become satisfied that slavery is a great political 'evil, it would be our duty, as patriots and good citizens, to 'get clear of it as soon as possible. What is a political evil? 'I have given this subject some reflection, sir; and the best 'definition which I can fix in my mind is, that a political 'evil is something which, from its very nature, must impair 'our national reputation abroad, or diminish our material 'strength at home."

That is a fair and manly statement; and I am content with the definition of what is a "political evil," and earnestly commend the fullest investigation of the facts.

Here is a statement taken from De Bow's Census, by Mr. Tower. It concerns Pennsylvania and Virginia. What cause has operated to elevate the one, and to depress the material strength of the other? If slavery has thus affected a Commonwealth like Virginia, which was the "Old Dominion," where God has lavished with unsparing hand His richest gifts of climate and of soil and of inland stream, has not the North something to say when the master would lead his slave into our common lands?

| | |
|---|---|
| Virginia contains | 61,352 square miles. |
| Pennsylvania contains | 46,000 " " |

Both, at first, were slave States.

Virginia has a shore line of six hundred and fifty-four miles. Pennsylvania has ocean access through a river and bay channel.

WHITE POPULATION.

| | *Pennsylvania.* | *Virginia.* |
|---|---|---|
| 1790 | 424,099 | 442,115 |
| 1800 | 586,094 | 514,280 |
| 1820 | 1,017,094 | 603,087 |
| 1830 | 1,309,900 | 694,360 |
| 1840 | 1,676,115 | 740,853 |
| 1850 | 2,258,160 | 894,800 |

What has produced this result?

There are in Pennsylvania 8,623,619 acres of improved land. In Virginia there are 10,360,135 acres.

The average yield per acre in Virginia is not one-half that of Pennsylvania.

The average wheat crop in Pennsylvania is 15 bushels per acre; and in Virginia 7 bushels.

The average corn crop in Pennsylvania is 20 bushels; and in Virginia 18 bushels.

The average rye crop in Pennsylvania is 14 bushels; and in Virginia 5 bushels.

The relative value of land is what must be expected from these facts.

The value of the improved lands in Pennsylvania is $407,876,099; and in Virginia, $216,401,543.

The ten million acres in Virginia are worth little more than half the eight million in Pennsylvania.

Private property owned in Pennsylvania is $729,144,390; and in Virginia, $391,646,430.

I now offer some facts respecting sixteen free States, containing an area of six hundred and twelve thousand six hundred square miles, and fifteen slave States, containing an area of eight hundred and fifty-one thousand four hundred and fifty square miles.

These facts are collected, in part, from Mr. De Bow's Census, and in part from Mr. Helper's book, which certainly contains much statistical information illustrating the question we are discussing:

| SIXTEEN FREE STATES. | | FIFTEEN SLAVE STATES. | |
|---|---|---|---|
| *Population.* | | | |
| White | 13,233,670 | White | 6,184,477 |
| Negroes | 196,116 | Free black | 228,138 |
| | | Slave | 3,200,364 |
| 1855. | | | |
| Tonnage | 4,252,615 | Tonnage | 855,511 |
| Exports | $167,520,693 | Exports | $107,480,688 |
| Imports | $236,847,810 | Imports | $24,586,528 |
| *Annual Product*—1850. | | | |
| Manufactures | $842,586,058 | Manufactures | $165,413,027 |
| Invested | $430,240,051 | Investment | $95,029,879 |
| Operatives | 780,576 | Operatives | 161,733 |
| 1857. | | | |
| Miles of railroads | 17,855 | Miles of railroads | 6,859 |
| 1855. | | | |
| Bank capital | $230,100,340 | Bank capital | $102,079,000 |
| *Whole Postage.* | | | |
| Collected | $4,670,725 | Collected | $1,553,198 |
| Cost of mails | 2,608,295 | Cost of mails | 2,385,953 |
| Balance in favor of Department | $2,062,430 | Balance against Department | $832,755 |
| Massachusetts— | | Alabama— | |
| receipts | $532,184 | receipts | $104,514 |
| cost | 153,091 | cost | 226,816 |
| New York— | | Georgia— | |
| receipts | 1,383,157 | receipts | 149,063 |
| cost | 481,410 | cost | 216,003 |
| Pennsylvania— | | South Carolina— | |
| receipts | 583,013 | receipts | 91,600 |
| cost | 251,833 | cost | 192,216 |
| 1850. | | | |
| Public schools | 62,483 | Public schools | 18,507 |
| Teachers | 72,621 | Teachers | 19,307 |
| Pupils | 2,769,901 | Pupils | 581,861 |
| Public libraries | 14,911 | Public libraries | 695 |
| Books | 3,888,234 | Books | 649,577 |
| 1850. | | | |
| Newspapers and periodicals published | 1,790 | Newspapers and periodicals published | 704 |
| Copies yearly | 334,146,281 | Copies yearly | 1,038,693 |
| *Native White Adults*—1850. | | | |
| Illiterate | 248,725 | Illiterate | 493,026 |
| Population | 13,233,670 | Population | 6,184,477 |
| Churches, value | $67,773,477 | Churches, value | $21,674,581 |
| 1856. | | | |
| Patents issued | 1,929 | Patents issued | 268 |
| *Contributions*—1855. | | | |
| Bible cause | $319,667 | Bible cause | $68,125 |
| Tract cause | 131,972 | Tract cause | 24,725 |
| Missions | 502,174 | Missions | 101,934 |
| Colonization | 51,930 | Colonization | 27,618 |
| *Taxes*—1856. | | | |
| New York— | | North Carolina— | |
| acres of land | 30,080,000 | acres of land | 32,450,560 |
| valued at | $1,112,138,136 | valued at | $98,809,636 |
| per acre | 36.97 | per acre | 3.06 |

The following facts are taken from original letters, which will be found in Helper's Crisis, and concern nine cities at the North and South, in 1856–'57:

| | NORTHERN CITIES. | | |
|---|---|---|---|
| *Name.* | *Population.* | *Wealth.* | *Per capita.* |
| New York | 700,000 | $511,740,492 | $731 |
| Philadelphia | 500,000 | 325,000,000 | 650 |
| Boston | 165,000 | 249,162,500 | 1,510 |
| Brooklyn | 225,000 | 95,800,440 | 425 |
| Cincinnati | 210,000 | 88,810,734 | 422 |
| Chicago | 112,000 | 171,000,000 | 1,527 |
| Providence | 60,000 | 58,064,516 | 967 |
| Buffalo | 90,000 | 45,474,476 | 505 |
| New Bedford | 21,000 | 27,047,600 | 1,288 |
| | SOUTHERN CITIES. | | |
| Baltimore | 250,000 | $102,053,859 | $408 |
| New Orleans | 175,000 | 91,188,195 | 521 |
| St. Louis | 140,000 | 63,000,000 | 450 |
| Charleston | 60,000 | 36,127,751 | 602 |
| Louisville | 70,000 | 31,500,000 | 450 |
| Richmond | 40,000 | 20,143,520 | 503 |
| Norfolk | 17,000 | 12,000,000 | 705 |
| Savannah | 25,000 | 11,999,015 | 480 |
| Wilmington | 10,000 | 7,850,100 | 785 |

But, Mr. Chairman, if free labor is driven out from the Territories, and slave labor occupies its place, slave laws must be enacted to protect that labor and its owner.

In that fact the North is deeply interested. The free colored citizens of Northern States cannot travel in Southern States without danger of *imprisonment and sale*. I know not whether this is true in all the slave States; but I believe it to be so.

I have had occasion, quite recently, to know something of the laws of Maryland in this respect. A free colored citizen of Massachusetts was imprisoned there for travelling through the State without the proofs of his freedom upon his person. He was at the mercy of the law. After an imprisonment of two months, upon payment by his friends of the costs of his imprisonment into the treasury of Maryland, he was released. While in jail, some friend induced the British consul to interfere for him, under the belief that the man himself was a subject of Great Britain. But the man, not knowing that the paw of the British lion was a sure defence, while the talon of the American eagle closed upon the victim, asserted his true citizenship, and remained in prison until the laws were vindicated and the prison door was opened.

This may be necessary; it may be right; the North cannot prevent it. But surely it is not hard to see what the North has to do with slavery. Why, sir, we have everything to do with it, if the doctrines of Mr. Buchanan and the Southern Democracy are to be enforced. And because their doctrines are claimed to be true; because it is the purpose of that party, which now holds the power of this Government, to enforce those doctrines, if they are permited to retain that power, this Republican party is here now in Congress, and before the people, to declare what are the constitutional rights of freedom, and what must be the constitutional restraints of slavery.

Mr. Chairman, the Republican party, from the necessities of the case, must succeed, if it be not faithless to itself. The Southern Democracy will not be content until they have driven to the wall the entire conservative element upon which they have heretofore relied at the North. Every step they take, every arrogant demand they make, every new claim of right they institute and contend for, drives from their support an army of men at the North, and disconcerts and embarrasses at the South more than venture at the present time to express their opinions openly. Why, sir, if every slave could be put afar off, so that no discussion could reach his ear, and free discussion could be had, let us come among you, and stand upon your hill-sides, as you may stand on Plymouth rock, to announce and to discuss and to demonstrate political truths, and it would not be a twelvemonth before, in nearly every Southern State, our Republican party would find more supporters than the Democracy of 1860 will find in its most favored Northern State.

Mr. Chairman, it has been declared here, by some of the ablest speakers from the South, that the success of our party—which seeks to do nothing that may not be clearly done within the protection and under the authority of that Constitution which they profess to admire and venerate—will compel them to withdraw from this Union of sovereign States. I have no desire to discuss a statement which always when made assumes the attitude of a threat. But do you not see, gentlemen, that to make such threat is to render certain of success, beyond the peradventure of defeat, the party you threaten? The Republican party proposes to ascertain whether the Union is not strong enough to sustain an Administration which will rest upon the theory of our Constitution, and upon the foundation which the fathers laid.

You may shatter, if you can, this fair fabric of our freedom; you may make desolate the temple, and strike down the statue; but the terrible responsibility shall rest upon yourselves.

In the earlier ages of the world, within one of the old temples of Memnon, a colossal statue had been erected; and it was said that daily, in the morning, as the rays of the sun fell upon the image, sounds of sweet music went from it to inspirit and to encourage the votaries at the shrine. But an Egyptian king caused the statue to be shattered and the music to be hushed, that he might find whence the strains proceeded, and whether the priests within the temple had not deceived the people. Sir, upon this land our fathers reared their temple, and within it the colossal statue of Liberty has stood. Not in the morning alone, but at high noon and at set of sun, day after day, sounds of heavenly harmony have gone from it, calling upon the oppressed and down-trodden to come and to be free. Rude hands have been laid upon that temple; hard Southern blows have fallen upon the statue; but when, if ever, the power shall come that will shatter the edifice and lay the colossal image low, in order that the mystery of the music may be revealed, it will be found, I believe, in the providence of God, that other hands will rebuild and reconsecrate them both; but no Washington, nor Jefferson, nor Madison, nor Hamilton, nor such like artificers, will be commissioned for the work, until that institution, which dishonors man and debases labor, and steals from the stooping brow the sweat which should earn his bread, shall be forever overthrown.

[Here the hammer fell.]